UNITED STATES DISTRICT COURT District of Maine

EMIL N. WHITTEN)	
)	
)	
v.)	
) **Civil No. 06-164	4-P-S
STANLEY MOORE, et al,)	
)	
Defendants)	
)	
)	

ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on September 5, 2007, his Recommended Decision (Docket No. 42). Plaintiff filed his Objection to the Recommended Decision (Docket No. 45) on September 24, 2007. The Defendants filed their Response to Plaintiff's Objection (Docket No. 48) on October 12, 2007.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a <u>de novo</u> determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

- 1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- 2. It is hereby **ORDERED** that Defendants' Motion for Summary Judgment (Docket No. 25) is **GRANTED**.

3. The Defendants' Motion to Exclude Expert Testimony (Docket No. 27) is hereby **MOOT**.

/s/George Z. Singal Chief U.S. District Judge

Dated: October 16, 2007

Plaintiff

EMIL N WHITTEN

represented by MICHAEL J. O'TOOLE

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V.

Defendant

STANLEY MOORE

Deputy Sheriff, County of York and State of Maine

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Defendant

PHILLIP F COTE

Sheriff, County of York and State of Maine

represented by JOHN J. WALL, III

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Defendant

YORK, COUNTY OF

represented by JOHN J. WALL, III

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